

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH HEYWARD	:	CIVIL ACTION
	:	
v.	:	NO. 20-530
	:	
CITY OF PHILADELPHIA, <i>et al.</i>	:	

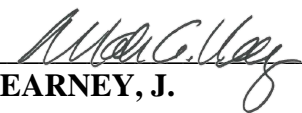
**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of December 2020, upon considering Defendants' Motion to dismiss (ECF Doc. No. 21) the amended Complaint (ECF Doc. No. 20), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion (ECF Doc. No. 21) is **GRANTED in part** and **DENIED in part**:

1. We **grant** Defendants' Motion (ECF Doc. No. 21) dismissing all claims against the City and dismissing the Equal Protection claim against the individual officers without prejudice;

2. We **deny** the Motion (ECF Doc. No. 21) as to the procedural due process claim against the individual officers who shall answer the remaining allegations no later than **January 15, 2021**; and,

3. On or before **January 20, 2021**, the individual Defendants shall mail a proposed discovery plan on the remaining procedural due process issues to the Plaintiff at his facility to aid our scheduling of an initial pretrial conference and file a certificate of service demonstrating compliance with this obligation no later than **January 21, 2021**.

  
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KEARNEY, J.